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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,431	12/20/2001	Jeremy S. Laurin	13860	2763

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EXAMINER	
WOZNIAK, JAMES S	

ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/022,431	LAURIN ET AL.	
	Examiner	Art Unit	
	James S. Wozniak	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 October 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) *1-4 and 13* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5-12,14 and 15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of invention II *(claims 5-12 and 14-15)* in the reply filed on 10/13/2005 is acknowledged. The traversal is on the ground(s) that a search of the art for one group of claims must necessarily include a search of the art for of claims *(response, page 1)*. This is not found persuasive because, as noted in the prior office action (pages 2-3), the inventions are distinct because the claimed combination (invention II) does not require the particulars of the subcombination, and the subcombination (invention I) has utility by itself or in other combinations (MPEP § 806.05(c)). Also, as previously noted, both inventions have separate classifications, and thus, separate status in the art. Finally, it is noted that a restriction requirement does not require a showing of different fields of search to demonstrate patentable distinctness (see MPEP 808.02 (c)).

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

2. The information disclosure statement filed 6/3/2002 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language *(DE*

19731815 A1). It has been placed in the application file, but the DE 19731815 A1 reference has not been considered.

Claim Objections

3. **Claim 5** is objected to because of the following informalities:

In line 11, "in the receiver determines" should be changed to –in the receiver that determines--.

In line 12, "the receiver" should be changed to --a receiver-- in order to provide proper antecedent basis.

In line 12, "hereby determining" should be changed to -thereby determining--.

Claim 7 is objected to because of the following informalities:

In line 6, "frequency hoping" should be changed to --frequency hopping--.

Appropriate correction is required.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: in page 10, line 25, change "time division multiple access" to --time division multiple access via a spread-spectrum frequency hopping transmitter-- in order to provide proper antecedent bases for the limitations recited in claim 7.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. **Claims 5-7** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, claim 5 recites combining transmitting outputs via a tuned series of filters to an antenna, however the specification does not provide sufficient teachings as to how and to what the filters are tuned (the process of tuning a filter) that would enable one of ordinary skill in the art to make and/or utilize the claimed invention. Also, the specification does not teach that the tuned filters are arranged in a series.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 8-10, 12, and 14-15** are rejected under 35 U.S.C. 102(b) as being anticipated by Silverman et al *(U.S. Patent: 5,289,288)*.

With respect to **Claim 8**, Silverman discloses:

A presentation system comprising:

A plurality of digitized versions of a scene *(plurality of digitized language tracks, Col. 6, Lines 9-63)*;

One or more physical devices for playing digital content to one or more channels *(Col. 2, Lines 9-13; Col. 4, Lines 58-68)*; and

A presentation controller for directing respective digitized versions of the scene to a particular channel of a physical device for synchronized playing of the respective versions, the presentation controller combining those versions that are directed to a particular physical device, the combination occurring at the time the versions are to be played *(Col. 10, Line 6- Col. 11, Line 36)*.

With respect to **Claim 9**, Silverman recites:

A presentation system comprising:

Digital content arranged as a set of one or more scenes, each scene having one or more versions *(plurality of digitized language tracks, Col. 6, Lines 9-63)*;

One or more physical devices for playing digital content to one or more channels *(Col. 2, Lines 9-13; Col. 4, Lines 58-68)*; and

A presentation controller for directing respective versions of a scene to a particular channel of a physical device for synchronized playing of the respective versions; the presentation controller combining those versions that are directed to a particular physical device, the

combination occurring at the time the versions are to be played; and the presentation controller directing the versions for a particular scene on receipt of a scene signal *(Col. 10, Line 6- Col. 11, Line 36; and audio signal timing information, Col. 9, Lines 13-62)*.

With respect to **Claim 10**, Silverman discloses:

Each version contains content for a scene in a different language *(plurality of digitized language tracks, Col. 6, Lines 9-63)*.

With respect to **Claim 12**, Silverman recites:

The presentation controller directs the versions of a particular scene indicated by the scene signal upon receipt of the scene signal *(Col. 10, Line 6- Col. 11, Line 36; and audio signal timing information, Col. 9, Lines 13-62)*.

With respect to **Claim 14**, Silverman discloses:

Having available for access a plurality of digitized versions of a scene *(plurality of digitized language tracks, Col. 6, Lines 9-63)*;

Having available for access one or more physical devices for playing digital content to one or more channels *(Col. 2, Lines 9-13; Col. 4, Lines 58-68; Col. 11, Line 63- Col. 12, Line 29)*; and

Utilizing a presentation controller for directing respective digitized versions of the scene to a particular channel of a physical device for synchronized playing of the respective versions; the presentation controller combining those versions that are directed to a particular physical device, the combination occurring at the time the versions are to be played *(Col. 10, Line 6- Col. 11, Line 36, Col. 11, Line 63- Col. 12, Line 29)*.

With respect to **Claim 15**, Silverman recites:

Having digital content arranged as a set of one or more scenes, each scene having one or more versions *(plurality of digitized language tracks, Col. 6, Lines 9-63 and audio signal timing information, Col. 9, Lines 13-62)*;

Having one or more physical devices for playing digital content to one or more channels *(Col. 2, Lines 9-13; Col. 4, Lines 58-68)*; and

Utilizing a presentation controller for directing respective versions of a scene to a particular channel of a physical device for synchronized playing of the respective versions; the presentation controller combining those versions that are directed to a particular physical device, the combination occurring at the time the versions are to be played; and the presentation controller directing the versions for a particular scene on receipt of a scene signal *(Col. 10, Line 6- Col. 11, Line 36; and audio signal timing information, Col. 9, Lines 13-62)*.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. **Claims 5-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Poch (U.S. Patent: 5,152,003) in view of Conroy et al *(U.S. Patent: 6,459,684)*.

With respect to **Claim 5**, Poch discloses:

A multi-channel transmission and receiving system *(Col. 6, Lines 10-18; Col. 7, Lines 44-57)* for the broadcast of pre-programmed information in varied languages wherein *(abstract, Col. 2, Line 56- Col. 3, Line 10)*:

Each pre-programmed language is digitized and saved as a data file that is called by a main program in a computer when required *(Col. 3, Line 65- Col. 4, Line 5)*;

The main program is programmed to respond to external or time events that determine which data files are to be used and output to an antenna *(Col. 4, Lines 38-66; Col. 6, Lines 10-43)*;

Where the receiver is portable, and designed to receive the transmitted frequencies and comprises a channel select switch in the receiver determines which of the transmitter frequencies to receive, thereby determining which language to receive *(receiver wand device, Col. 3, Lines 1-10; Col. 4, Line 20- Col. 5, Line 68)*.

Although Poch teaches the use of multi-channel propagation techniques such as spread spectrum or TDMA and an antenna matching filter *(Col. 6, Lines 10-26)*, Poch does not specifically explain a multiplexing operation involving D/A conversion and the combination of transmitter outputs, however Conroy recites such a audio data multiplexing operation *(digital to analog conversion of voice data, time division multiplexing, and filtering, Col. 3, Lines 19-34, Col. 8, Line 28- Col. 9, Line 29)*.

Poch and Conroy are analogous art because they are from a similar field of endeavor in encoded audio transmission systems capable of multi-channel operation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Poch with the audio data multiplexing operation taught by Conroy in order to

provide a specific means for multi-channel propagation support *(Poch, Col. 6, Lines 10-18)* as well as a means for echo cancellation *(Conroy, Col. 8, Line 65- Col. 9, Line 1)*.

With respect to **Claim 6**, Poch further teaches the use of cell location in determining which message to transmit to a user *(Col. 5, Lines 25-45)*.

With respect to **Claim 7**, Poch teaches the use of spread spectrum frequency hopping and TDMA *(Col. 5, Lines 25-45; Col. 6, Lines 10-18)*, while Conroy further teaches the use of time division multiplexing as applied to Claim 5.

11. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Silverman et al *(U.S. Patent: 5,289,288)* in view of Blahut et al *(U.S. Patent: 5,442,389)*.

With respect to **Claim 11**, Silverman teaches the multiple channel transmission system capable of providing multiple language versions of an audio file, as applied to Claim 9. Silverman does not specifically teach the use of a list of scenes to determine a next scene, however Blahut teaches such a scene list *(Col. 14, Line 58- Col. 15, Line 34)*.

Silverman and Blahut are analogous art because they are from a similar field of endeavor in transmitting multiple language versions of audio data. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Silverman with the use of a scene list taught by Blahut in order to implement a fast-forward feature that allows a user to request specific audio and video blocks *(Col. 1, Lines 35-45; Col. 14, Line 58- Col. 15, Line 34)*.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Tanaka et al *(U.S. Patent: 4,302,837)*- teaches an FM multiplex system for transmitting signals of two languages.

Borgstahl et al *(U.S. Patent: 6,421,347)*- teaches a system for providing audio information based on user proximity.

Laurin *(U.S. Patent Publication: 2002/0105959)*- teaches a multi-channel transmission system for providing data in multiple languages.

Barneau *(FR 2734432 A)* – teaches a multiplexed signal having multiple language versions of an audio commentary.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632. The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James S. Wozniak
11/14/2005

W. R. YOUNG
PRIMARY EXAMINER